

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 98-35

Introduced by Council President Parrott at the request of the County Executive
Legislative Day No. 98-20 Date July 21, 1998

AN ACT to repeal and reenact with amendments Section 5.6, Maximum Limitation on Benefits, as incorporated by reference in Chapter 29, Harford County Sheriff's Office Pension, of Part I, Administrative Legislation, of the Harford County Code, as amended; to provide for the adoption by reference of the Sheriff's Office Pension Plan as amended which is attached hereto and incorporated herein by reference in its entirety and to further provide that the Sheriff's Office Pension Plan as amended is made a part hereof as though fully stated herein, and generally relating to the establishment of a pension plan for certain law enforcement and correctional employees of the Sheriff's Office.

By the Council, July 21, 1998

Introduced, read first time, ordered posted and public hearing scheduled

on: August 18, 1998

at: 6:45 p.m.

By Order: Mary Kate Hering, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on Aug. 18, 1998 and concluded on, August 18, 1998.

Diane Sweet Lein/mah, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, the Sheriff is a state constitutional officer (see, Md. Constitution Art. IV §44
2 (1981 Repl. Vol.)); and

3 WHEREAS, the Sheriff and deputies are state officials or employees (see, Md. Code Ann.,
4 State Gov't. §12-101(6) (1995 Repl. Vol.); Rucker v. Harford County, Maryland, 558 A.2d 399,
5 316 Md. 275 (1989)); and

6 WHEREAS, under the laws of the State of Maryland, the Sheriff is subject to the budget
7 and fiscal policies and the purchasing laws of the County; and the County, through its budget, is
8 required to provide for the compensation of the deputies and certain other expenses associated with
9 the operation of the Sheriff's Office (see, Md. Code Ann. art. 24, §8-101(3); Md. Code Ann.,
10 Cts. & Jud. Proc. §2-309 (1995 Repl. Vol.)); and

11 WHEREAS, legislation was enacted by the County Executive and the County Council in
12 March 1997 to establish the mechanisms for the implementation of a pension for the Sheriff and
13 deputies as part of the County's state-mandated directive to provide a mechanism for the
14 compensation of those deputies the County sees fit to provide for through its budgetary process;
15 and

16 WHEREAS, it is necessary to amend the Sheriff's Office Pension Plan to add defined
17 contribution limits as required by the Internal Revenue Code.

18 NOW, THEREFORE,

19 Section 1. Be It Enacted By The County Council of Harford County, Maryland, that Section 5.6,
20 Maximum Limitation on Benefits, as incorporated by reference in Chapter 29, Harford County
21 Sheriff's Office Pension, of Part I, Administrative Legislation, of the Harford County Code, as
22 amended, be and it is hereby repealed and reenacted with amendments, to read as follows:

1 Chapter 29. Harford County Sheriff's Office Pension.


2 Section 29-1. Harford County Sheriff's Office Pension Plan.

3 The Harford County Sheriff's Office Pension Plan AS AMENDED BY REPEALING
4 AND REENACTING WITH AMENDMENTS SECTION 5.6, MAXIMUM LIMITATION ON
5 BENEFITS, is incorporated herein and adopted by reference IN ITS ENTIRETY as though it were
6 fully stated herein.

7 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
8 it becomes law.

EFFECTIVE: October 26, 1998

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*


Acting Council Administrator

HARFORD COUNTY BILL NO. 98-35

(Brief Title) Sheriff's Office Pension Plan

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Diane Swiss Levin
Acting Council Administrator

Joanne S. Parrott
President of the Council

Date August 18, 1998Date August 18, 1998

BY THE COUNCIL

Read the third time.

Passed: LSD 98-23 (August 18, 1998)

Failed of Passage: _____

By Order

Diane Swiss Levin
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 20th day of August, 1998 at 3:00 p. m.

Diane Swiss Levin
Acting Council Administrator

BY THE EXECUTIVE

Edna M. Lehmann
COUNTY EXECUTIVE

APPROVED: Date August 24, 1998

BY THE COUNCIL

This Bill (No. 98-35), having been approved by the Executive and returned to the Council, becomes law on August 26, 1998.

Diane Swiss Levin
Acting Council Administrator

EFFECTIVE DATE: October 26, 1998